

Prob 12 (10/09)
VAE (rev. 5/17)

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF VIRGINIA

U.S.A. vs. David Wayne Schneider Docket No. 3:15CR00201-01

Petition on Supervised Release

COMES NOW CHARLES E. MOORE, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of David Wayne Schneider, who was placed on supervision by the Honorable James R. Spencer, Senior United States District Judge sitting in the Court at Richmond, Virginia, on the 25th day of April, 2016, who fixed the period of supervision at three years, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

See Attachment(s)

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

See Attachment(s)

PRAYING THAT THE COURT WILL ORDER a summons to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

ORDER OF COURT

Considered and ordered this 9 day of
April, 2020, and ordered filed
and made a part of the records in the above case.


John A. Gibney, Jr.
United States District Judge

The Honorable John A. Gibney, Jr.
United States District Judge

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on:

**Charles E
Moore**

Digitally signed by Charles E
Moore
Date: 2020.04.07 10:37:58
-04'00'

Charles E. Moore
Senior United States Probation Officer

Place Richmond, Virginia

TO CLERK'S OFFICE

Petition on Supervised Release

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RE: Schneider, David Wayne

OFFENSE: Count One: Wire Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§ 1342 and 2, a Class C Felony; Count Two: Tax Fraud, in violation of 26 U.S.C. § 7206(1), a Class E Felony; and Count Three: Theft of Government Property, in violation of 18 U.S.C. § 641, a Class C Felony.

SENTENCE: 24 months in custody consisting of 24 months custody (amended to 12 months) on each of Counts One, Two, and Three, to be served concurrently; 3 years supervised release consisting of 3 years on each of Counts One and Three and 1 year on Count Two, to run concurrently; pay a \$300.00 special assessment; and \$836,167.71 in restitution.

SPECIAL CONDITIONS:

- 1) The defendant shall pay the balance owed on any Court-ordered financial obligations in monthly installments of not less than \$350 or twenty five percent of the defendant's net income, whichever is greater, starting 60 days after supervision begins until paid in full.
- 2) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- 3) The defendant shall provide the probation officer access to any requested financial information.
- 4) The defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding Court-ordered financial obligation; or in a lesser amount to be determined by the Court upon the recommendation of the probation officer.
- 5) As reflected in the presentence report, the defendant presents a low risk of future substance abuse and, therefore, the Court hereby suspends the mandatory condition for substance abuse testing as defined by 18 U.S.C. § 3563(a)(5). However, this does not preclude the United States Probation Office from administering drug tests as appropriate.
- 6) The defendant shall participate in a program approved by the United States Probation Office for mental health treatment. The costs of these programs are to be paid by the defendant, as directed by the probation officer.
- 7) The defendant shall participate in the Treasury Offset Program (TOP) as directed by the probation officer.
- 8) The defendant shall be prohibited from engaging in any aspect of the tax preparation business, or any similar occupation.

ADJUSTMENT TO SUPERVISION: On May 19, 2017, Mr. Schneider commenced his three (3) year period of supervised release in the Eastern District of Virginia. On May 24, 2017, this Probation Officer met with Mr. Schneider and reviewed his Judgment In Criminal Case Order advising him of all mandatory, standard, and special conditions of his supervised release. Mr. Schneider signed said Order indicating his understanding of all Court-ordered conditions.

To date, Mr. Schneider has managed to maintain a stable residence and gainful employment throughout his term of supervised release. He has not incurred any new criminal charges or convictions while on supervision. He has presented to be respectful when conversing and meeting with this Probation Officer.

On September 28, 2017, Mr. Schneider advised that his right to vote, hold public office, serve on a jury, and become a notary public were granted by the Honorable Terry R. McAuliffe, Governor of the Commonwealth of Virginia. He provided a copy of said document to this Probation Officer. His right to possess a firearm was not restored.

Petition on Supervised Release

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RE: Schneider, David Wayne

On January 11, 2019, this Probation Officer gave Mr. Schneider a verbal reprimand for traveling outside of the district to Oxon Hill, Maryland, without permission. Mr. Schneider readily admitted to traveling to the MGM Casino and accepted responsibility. This Probation Officer increased his restitution payment to no less than \$500.00, or 25% of his net income, whichever was greater. He was receptive to the aforementioned sanction and responded without incident.

Mr. Schneider's \$300.00 special assessment has been paid in full as of May 12, 2016. To date, Mr. Schneider has paid \$292,104.39 in restitution repayments. There is an outstanding balance of \$544,063.32. He has been mostly consistent with remitting restitution payments on a monthly basis without incident.

VIOLATIONS: The following violations are submitted for the Court's consideration:

SPECIAL CONDITION: THE DEFENDANT SHALL NOT INCUR NEW CREDIT CARD CHARGES OR OPEN ADDITIONAL LINES OF CREDIT WITHOUT THE APPROVAL OF THE PROBATION OFFICER.

Mr. Schneider opened lines of credit with Capital One Auto on October 25, 2019; Care Credit on November 1, 2019; and Synchrony Pay Pal Credit on June 25, 2019, without the prior approval of this Probation Officer.

SPECIAL CONDITION: THE DEFENDANT SHALL APPLY MONIES RECEIVED FROM INCOME TAX REFUND, LOTTERY WINNINGS, INHERITANCES, JUDGMENTS, AND ANY ANTICIPATED OR UNEXPECTED FINANCIAL GAINS TO THE OUTSTANDING COURT-ORDERED FINANCIAL OBLIGATION.

Mr. Schneider failed to apply monies that he cashed in for the purpose of playing slot and table games at various casinos between May 2017 through March 2020. Furthermore, it would appear that Mr. Schneider received a significant amount of monies from these transactions which he failed to report to this Probation Officer, as well as failed to apply toward his Court-ordered financial obligation.

SPECIAL CONDITION: FAILURE TO PAY RESTITUTION AS DIRECTED BY THE COURT.

Mr. Schneider failed to pay restitution at the rate of \$350.00 per month, or 25% of his net income, whichever is greater, as directed by the Court for the months of August and November 2019, and February 2020.

CONDITION 1: LEAVING THE JUDICIAL DISTRICT WITHOUT PERMISSION.

Mr. Schneider traveled outside of the Eastern District of Virginia on numerous occasions to Oxon Hill, Maryland; Atlantic City, New Jersey; Biloxi, Mississippi; and Las Vegas, Nevada (February 2018), without the permission of the Probation Officer between May 2017 through March 2020.

CEM/djb